



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,261	03/07/2001	David McElroy	950.044US1	5526

7590

07/07/2003

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402

EXAMINER

FOX, DAVID T

ART UNIT

PAPER NUMBER

1638

13

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

13

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE

a) ☐ is extended to run _____ or continues to run _____ from the date of the final rejection

b) ☒ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a)

☒ Applicant's response to the final rejection, filed 6/17/03 has been considered with the following effect, but it is not deemed to place the application in condition for allowance

1 ☐ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because

a ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented

b ☐ They raise new issues that would require further consideration and/or search (See Note)

c ☐ They raise the issue of new matter (See Note).

d ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

e ☐ They present additional claims without cancelling a corresponding number of finally rejected claims

NOTE

2 ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non allowable claims.

3 ☒ Upon the filing an appeal, the proposed amendment ☒ will be entered ☐ will not be entered and the status of the claims will be as follows:

Claims allowed: _____

Claims objected to: _____

Claims rejected: 52-65

However:

☒ Applicant's response has overcome the following rejection(s) art rejections (rejections) 4

4 ☒ The affidavit or exhibit request for reconsideration has been considered but does not overcome the rejection because claims are cooperative and no evidence of non-obviousness (rejections) to extrapolate manner method of present to other

5 ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner particularly when dependent claims of instant are limited to moments/seconds